

REMARKS/ARGUMENTS

Claims 1, 10 and 30 have been amended. Claim 7 has been canceled, without prejudice. Claims 1-5, 8, 10 and 30 are pending.

Claims 1-4, 7 and 30 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 7,212,980 ("Nakamura") in view of U.S. Patent 6,542,870 ("Matsumoto"). In addition, claims 5, 8 and 10 were rejected under 35 U.S.C. § 103 as being unpatentable over Nakamura in view of Matsumoto and U.S. Patent No. 6,223,166 ("Kay").

Claim 1 has been amended to recite:

an infrared light receiving unit operable to receive use-permitting key information transmitted by infrared communication, wherein the use-permitting key information is from a source of use permission which transmitted the use-permitting key information over a network, and wherein said contents of use limitations are derived from said use-permitting key information.

(Emphasis added). Accordingly, an electronic apparatus of claim 1 may include an infrared light receiving unit operable to receive use-permitting key information transmitted by infrared communication. Further, claim 1 requires that the use-permitting key information is from a source of use permission, such as a website, which transmitted the use-permitting key information over a network, such as the Internet. (See specification, for example, at pg. 21, ln. 13-16, pg. 22, ln. 4-14 and pg. 23, ln. 6-9 and FIG. 7).

The Examiner admitted that Nakamura does not disclose an infrared light receiving unit operable to receive information transmitted by infrared communication (see Office Action, pg. 4, paragraph 11). In addition, Nakamura does not appear to disclose that use-permitting key information, which is

transmitted by infrared communication, is from a source of use permission that transmitted the use-permitting key information over a network, as required by claim 1.

*Matsumoto* does not cure the deficiencies of *Nakamura* with respect to the requirements of claim 1, as described above. In contrast to the Examiner's statements (see Office Action, pg. 7, paragraph 21), in *Matsumoto* the transmission of information from remote commander 91 to the light receiving unit 21 does not appear to be a transmission "over a network." In addition, the applied portions of *Matsumoto* do not appear to disclose that the information being transmitted by infrared communication is from a source which transmitted the information over a network, such as the Internet. Thus, *Matsumoto* does not appear to disclose or suggest that use-permitting key information, which is transmitted by infrared communication and received at an infrared light receiving unit, is from a source of use permission which transmitted such information over a network, as required by claim 1.

Accordingly, it is respectfully submitted that claim 1 is distinguishable from the applied combination of *Nakamura* and *Matsumoto*.

For reasons similar to those previously described with regard to claim 1, it is also respectfully submitted that amended independent claim 30, which includes limitations corresponding to those of claim 1 discussed above wherein the mobile terminal is operable to acquire the use-permitting key information from a source of use permission over a network and an infrared light receiving unit is operable to receive the use-permitting key information transmitted by infrared communication from the mobile terminal, is distinguishable from the combination of *Nakamura* and *Matsumoto* applied by the Examiner.

Claims 2-4 and 7 depend independent claim 1. Accordingly, it is also respectfully submitted that dependent claims 2-4 and 7 are distinguishable from the combination of Nakamura and Matsumoto as applied by the Examiner for at least the reasons described above regarding claim 1, and because of the additional restrictions claims 2-4 and 7 include.

In addition, claims 5, 8 and 10 depend from independent claim 1. As a result, claims 5, 8 and 10 are distinguishable from the combination of Nakamura and Matsumoto as applied by the Examiner for at least the reasons previously described for claim 1. In addition, the Examiner does not appear to rely on Kay to overcome the above-described deficiencies of Nakamura and Matsumoto. Accordingly, it is also respectfully submitted that dependent claims 5, 8 and 10 are distinguishable from the combination of Nakamura, Matsumoto and Kay applied by the Examiner for at least the reasons previously described for claim 1, and because of the further restrictions they require.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue.

If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that he telephone Applicants' attorney at (908) 654-5000 in order to overcome any additional objections which he might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

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Respectfully submitted,

By

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